

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

IN RE: PHARMACEUTICAL INDUSTRY)	MDL DOCKET NO. 1456
AVERAGE WHOLESALE PRICE)	
LITIGATION)	Master File No. 01-CV-12257
)	Subcategory Case No. 06-CV-11337
)	
THIS DOCUMENT RELATES TO:)	Judge Patti B. Saris
)	
<i>U.S. ex rel. Ven-A-Care of the Florida Keys,</i>)	Magistrate Judge Marianne B. Bowler
<i>Inc. v. Abbott Laboratories, Inc., et al., No.</i>)	
06-CV-11337-PBS)	
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**DEFENDANTS' NOTICE OF FILING DECLARATION
OF DAVID S. TORBORG SUBMITTING EXHIBITS IN SUPPORT OF
ABBOTT LABORATORIES INC.'S REPLY IN SUPPORT OF
ITS STATEMENT OF ADDITIONAL FACTS THAT PRECLUDE
SUMMARY JUDGMENT IN FAVOR OF THE GOVERNMENT**

Defendants hereby give notice of the filing of the attached Declaration of David S. Torborg Submitting Exhibits in Support of Abbott Laboratories Inc.'s Reply in Support of its Additional Facts that Preclude Summary Judgment in Favor of the Government. Attached hereto is Exhibit 1, a listing of Exhibits A and B that are filed in conjunction with *Abbott Laboratories Inc.'s Reply in Support of its Additional Facts that Preclude Summary Judgment in Favor of the Government*, as well as Exhibits A and B.

Dated: October 5, 2009

Respectfully submitted,

/s/ R. Christopher Cook

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Counsel for Defendant Abbott Laboratories Inc.

CERTIFICATE OF SERVICE

I, David S. Torborg, an attorney, hereby certify that I caused a true and correct copy of the foregoing to be served on all counsel of record electronically by causing same to be posted via LexisNexis, this 5th day of October, 2009.

/s/ David S. Torborg
David S. Torborg

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**DECLARATION OF DAVID S. TORBORG SUBMITTING EXHIBITS IN SUPPORT
OF DEFENDANTS' COMBINED SUR-REPLY TO THE UNITED STATES'
MOTIONS FOR PARTIAL SUMMARY JUDGMENT**

I, David S. Torborg, an attorney, declare as follows:

1. I am an attorney with the law firm Jones Day, counsel for Defendant Abbott Laboratories Inc. ("Abbott").
2. I am admitted to practice *pro hac vice* before this Court.
3. Attached hereto as Exhibit 1 is a listing of the exhibits filed in conjunction with *Abbott Laboratories Inc.'s Reply in Support of its Additional Facts that Preclude Summary Judgment in Favor of the Government*.
4. Those exhibits, incorporated herein by reference, are true and correct copies of the documents as described in the attached list.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Dated: October 5, 2009

/s/ David S. Torborg
David S. Torborg

EXHIBIT 1

EXHIBIT	EXHIBIT DESCRIPTION
A	Excerpts from the Deposition of Elvin Montanez, 4/29/09.
B	Excerpts from the 30(b)(6) Deposition of Cynthia Sensibaugh, 3/7/08